

ORDINANCE NO. 2018-03AN ORDINANCE TO REPEAL AND RE-CREATE SECTIONS 5.02 AND 5.03(a)
OF THE TOWN OF DELAFIELD MUNICIPAL CODE, CONCERNING
AMBULANCE AND TECHNICAL RESCUE SERVICES

WHEREAS, the Town of Delafield has charged ambulance fees to persons served with ambulance services since 1996, or before, most recently by Ordinance 96-420 as codified in the Town Code Section 5.02, which broadly interpreted allows for the recovery of technical rescue services; and

WHEREAS, the Town Board wishes to reaffirm its prior finding that it is appropriate to require the party requiring ambulance and/or rescue services to reimburse the Town of Delafield for the costs and expenses incurred; and

WHEREAS, by enacting the current ordinance for inclusion within the Municipal Code of the Town of Delafield, the Town Board intends to confirm that fees must be paid for services of the Delafield Fire Department and its agents and contractors for ambulance and/or rescue services and that such fees must equal an amount designed to reimburse the Town of Delafield for the costs involved; and

WHEREAS, the Town of Delafield believes that it currently has statutory and ordinance authority to collect reimbursement of expenses incurred as described herein, however, the Town Board would like to clarify the Town ordinances to make this issue beyond dispute.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 5 of the Town of Delafield Municipal Code entitled "Fire Protection," Section 5.02 entitled, "Ambulance Fees," is hereby repealed and re-created as follows, with a new heading of "Ambulance and Rescue Services":

5.02 AMBULANCE AND RESCUE SERVICES

- (1) The Town Board hereby establishes a fee for the provision of ambulance and rescue services by the Delafield Fire Department and/or by agents and contractors of the Delafield Fire Department. The term "ambulance and rescue services" shall include, but not be limited to, technical rescue services, such as for example, trench rescue, high angle rescue, collapse rescue, entrapment rescue, confined space rescue, emergency building shoring, and helicopter rescue, along with ordinary ambulance and rescue services.
- (2) Fees under this ordinance will be assessed to the responsible individual, corporation, utility, company and/or property owner for whom ambulance and/or rescue services were provided, as determined by the Chief of the Delafield Fire Department. The fees assessed shall be as established by the Town Board from time to time by the resolution to recover the actual cost of the service(s) performed and, where applicable, shall include the actual amounts billed to the Town of Delafield and/or the Delafield Fire Department by contractors and agents called to incident(s) having occurred in the Town of Delafield.

SECTION 2: Chapter 5 of the Town of Delafield Municipal Code entitled "Fire Protection," Section 5.03 entitled, "Fire Department Service Charges," Subsection (a) is hereby repealed and re-created as follows:

5.03 (a) Charges for services shall be assessed only to the individuals or other entities that do not fund the Department through the payment of taxes or other means for these services, except that ambulance and rescue services per Section 5.02, and the negligent handling of burning materials as defined in §961.01(1), or the causing of a Department response as a result of violation of any provision of the Town's "Burning Regulations," 93-354 or other Town ordinances will result in charges being assessed to the responsible or violating individual or other entities in ALL cases.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

Dated this 12th day of June, 2018.

TOWN OF DELAFIELD


Lawrence G. Krause, Town Chair

ATTEST:


Mary Elsher, Town Clerk

This ordinance ~~posted or~~ published 7/10/2018.